

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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JOSEPH ALLEN EVERSON,

Plaintiff,

v.

SHELBY COUNTY SHERIFF'S  
DEPT., JOSEPH MOORE,  
and J. FOX,

Defendants.

No. 2:18-cv-02866-TLP-tmp

JURY DEMAND

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**ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION**

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Plaintiff sued pro se claiming that Defendants, the Shelby County Sheriff's Department, Joseph Moore, and Joshua Fox violated his Fourth Amendment rights under 42 U.S.C. § 1983. (ECF No. 1 at PageID 2.) Defendants then filed a Motion for Judgment on the Pleadings. (ECF No. 19.) The Magistrate Judge issued a Report and Recommendation ("R&R") recommending that this Court grant Defendants' Motion for Judgment on the Pleadings. (ECF No. 23.)

The Magistrate Judge found that Plaintiff failed to state a claim under § 1983 against the individual defendants because he failed to "allege any action taken by either Fox or Moore that would constitute violations of his rights under the Fourth Amendment." (ECF No. 23 at PageID 71.) Further, the Magistrate Judge found that Plaintiff failed to state a claim under § 1983 against the Shelby County Sheriff's Department because Plaintiff's Complaint "provides no factual basis for municipal liability under § 1983" and at most, it "makes conclusory allegations

that officers with the Fugitive Apprehension Team entered his residence illegally.” (ECF No. 23 at PageID 73.)

Under Federal Rule of Civil Procedure 72(b)(2), “[w]ithin 14 days of being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2). Neither party objected to the R&R, and the time for filing objections has expired. *See* Fed. R. Civ. P. 5(b)(2), 6(d), 72(b)(2). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) advisory committee notes.

Having reviewed the R&R, the Court finds no clear error and ADOPTS the R&R in its entirety, GRANTS Defendants’ Motion for Judgment on the Pleadings, and DISMISSES Plaintiff’s claims WITH PREJUDICE.

**SO ORDERED**, this 20th day of September, 2019.

s/ Thomas L. Parker  
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THOMAS L. PARKER  
UNITED STATES DISTRICT JUDGE